

# EXHIBIT NN

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC., )  
)  
Plaintiff, )  
) Case No.  
vs. ) CV 10-03561 WHA  
)  
GOOGLE, INC., )  
)  
Defendant. )  
\_\_\_\_\_)

VIDEOTAPED DEPOSITION OF DAVID K. HOFERT  
San Francisco, California  
Tuesday, December 1, 2015  
Volume I

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Reported by:  
CARLA SOARES  
CSR No. 5908  
Job No. 2193496  
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1           Q    Did Oracle move forward with the CDC 1.6  
2 initiative?

3           A    I don't believe so. I don't recall.

4           Q    Was there ever an update to the then nine  
5 years old CDC specification after July of 2011 until  
6 the present?

7           A    Yes, there were some updates on the road  
8 to the newer Java ME 8 platform.

9           Q    Was there ever a full-scale new release of  
10 CDC after July 2011?

11          A    There were new releases of Java ME, which  
12 I believe incorporated CDC specifications as usual  
13 on the road to this more unified product that we  
14 have today.

15          Q    When you say the "more unified product  
16 that we have today," are you referring to the  
17 Java ME product?

18          A    Yes, and eventually the Java SE 9 product  
19 next year.

20          Q    When did the Java ME product that you're  
21 describing as more unified, when was that first  
22 released?

23          A    I believe in 2013.

24          Q    Do you recall when in 2013?

25          A    My recollection is around the middle of

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1 the year, but I can't say for sure.

2 Q All right. So roughly two years after  
3 this email was written, there was a unified version  
4 of Java ME released?

5 A At least at that point, yes.

6 Q And what was that version of Java ME?  
7 What was its name?

8 A I think they called it OJWC 3.1, 3.2.  
9 That's my recollection of what they called it.

10 Q And at that point did Oracle do away with  
11 the CDC and CLDC categories?

12 A Those remained for legacy customers even  
13 as they do today. But for the ongoing development  
14 activity, it was moving more towards this OJWC.

15 Q When Oracle eventually releases Java SE 9  
16 and unifies Java SE and ME, will the prior  
17 iterations of Java ME and SE, CLDC, CDC, all of  
18 those platforms, will they still be available for  
19 legacy customers?

20 A That's my understanding.

21 Q You haven't heard any indication that  
22 Oracle is planning to do away with them?

23 A No. We continue to support those.

24 Q Okay. Turning back to the document, the  
25 next paragraph after the discussion of Ginga without

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1 Java reads, "Regarding the threat to current revenue  
2 streams: [REDACTED] two of the largest  
3 non-TV OEMs with a total of over 11 million revenue  
4 in fiscal year '11, are both already moving to  
5 Android in newer or high-end devices. In both cases  
6 we have an opportunity to protect and grow our CDC  
7 revenue. However, the lack of a modern product will  
8 frustrate that effort and accelerate migration to  
9 Android or other competitors."

10 Do you recall that in July of 2011 [REDACTED]  
11 [REDACTED] were moving to Android in newer or  
12 high-end devices?

13 A I do recall that that was on the table for  
14 them, yes.

15 Q And do you agree that in both cases Oracle  
16 had an opportunity to protect and grow its CDC  
17 revenue?

18 A Yes, we did have an opportunity to protect  
19 and grow. Yes.

20 Q And what happened with those business  
21 opportunities? Did [REDACTED] move to Android and leave  
22 Java? Leave CDC?

23 A No. [REDACTED] did adopt Android for their  
24 newest platform, but they retained the use of Java  
25 on their older platform.

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1 Q And is the same true with [REDACTED] they  
2 moved to Android on a newer platform but retained  
3 CDC on an older platform?

4 A I don't know as clearly about [REDACTED]

5 Q With respect to [REDACTED] did Oracle  
6 actually grow its CDC revenue from Amazon in the  
7 years following July of 2011?

8 A I can't say for certain.

9 Q Do you know one way or the other?

10 A My understanding is that we have grown  
11 some, but I don't know specifically.

12 Q And what about in the case of [REDACTED] Do  
13 you know in the case of [REDACTED] whether Oracle was  
14 able to grow its CDC revenue in the years following  
15 July of 2011?

16 A No, I do not know.

17 MS. SIMPSON: Can we go off the record for  
18 one second?

19 MR. PURCELL: Sure.

20 THE VIDEO OPERATOR: Off the record at  
21 1:47 p.m.

22 (Recess, 1:47 p.m. - 2:00 p.m.)

23 (Exhibit 1333 was marked for  
24 identification and is attached hereto.)

25 THE VIDEO OPERATOR: This is the beginning

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1 BY MR. PURCELL:

2 Q Mr. Hofert, this looks like an early  
3 draft, but it's titled "Oracle Request for Java  
4 Engineering Services," and it's dated March 6th,  
5 2012.

6 Do you see that?

7 A I do see that.

8 Q And then if you look at the very last  
9 page -- sorry, one more.

10 A Okay.

11 Q -- you're listed as the necessary approver  
12 for the sales organization.

13 A That's correct.

14 Q Have you seen this document before?

15 A I believe that I have.

16 Q You may have seen additional versions of  
17 this. I don't know. Let me just ask you about it.

18 The "Introduction" field on the first page  
19 says that "The M2M device space is growing faster  
20 than all mobile segments and will represent more  
21 than 50 percent of all connected devices by 2020."

22 Do you see that?

23 A I do see that.

24 Q Just for the record, what does M2M refer  
25 to?

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1           A    Machine-to-machine.

2           Q    And what does that mean? What types of  
3 device are included within the machine-to-machine  
4 category?

5           A    It's very broad, but it refers to  
6 lower-level systems such as those that have  
7 eventually evolved into the Internet of Things  
8 activity where there's automated control systems  
9 running. So there's communication between smaller  
10 devices in a sort of automated way.

11          Q    So not under the control of a user, but  
12 just things that happen in an automated fashion,  
13 communications between devices?

14          A    Yes. If you can imagine a manufacturing  
15 assembly line where the devices are coordinating  
16 with each other to manufacture some equipment or  
17 product or something.

18          Q    So the introduction goes on to say, "70  
19 percent of these devices will use RF communication  
20 protocols such as Bluetooth, Zigbee, Z-wave,  
21 et cetera."

22                   RF there stands for radio frequency?

23          A    Yes, that's correct.

24          Q    And then the final sentence of the  
25 introduction says, "For Java to be relevant in the



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1 M2M space we need to establish Java APIs for sharing  
2 data over these transports across the entire range  
3 of connected Oracle VMs."

4 Do you see that?

5 A I do see that.

6 Q Did Oracle ever accomplish that,  
7 establishing Java APIs for sharing data over these  
8 transports?

9 A There is an existing Java API that does  
10 handle Bluetooth communication support.

11 Q And was it developed subsequent to March  
12 of 2012 when this document was created?

13 A I believe it existed at that time already.

14 Q Subsequent to this document being created,  
15 were there any new Java APIs established for sharing  
16 data in the M2M space?

17 A I'm not sure. I can't say.

18 Q Down a little bit farther in the "Scope"  
19 field, there's a number of numbered paragraphs,  
20 still on the first page.

21 A Okay. "Scope." Got it.

22 Q Paragraph 2 says, "Where possible make  
23 these Java APIs consistent with Java ME  
24 implementations for app portability, possibly by  
25 leveraging GCF and JSR 197."

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1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby  
3 certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place herein set forth;  
6 that any witnesses in the foregoing proceedings,  
7 prior to testifying, were administered an oath; that  
8 a record of the proceedings was made by me using  
9 machine shorthand which was thereafter transcribed  
10 under my direction; that the foregoing transcript is  
11 a true record of the testimony given.

12 Further, that if the foregoing pertains to  
13 the original transcript of a deposition in a Federal  
14 Case, before completion of the proceedings, review  
15 of the transcript [X] was [ ] was not requested.

16 I further certify I am neither financially  
17 interested in the action nor a relative or employee  
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date  
20 subscribed my name.

21  
22 Dated: \_\_\_\_\_

23   
24 \_\_\_\_\_

25 CARLA SOARES

CSR No. 5908